



DT02 Rec'd PCT/PTO 08 OCT 2003

#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HAILS, J. et al.

Atty. Ref.: 124-933; Confirmation No.

Appl. No. 10/088,026

Group:

Filed: June 3, 2002

Examiner:

For: NEW METHODS OF FABRICATING DEVICES AND SEMICONDUCTOR
LAYERS COMPRISING CADMIUM MERCURY TELLURIDE, MERCURY
TELLURIDE, AND CADMIUM TELLURIDE

* * * * *

October 8, 2003

Box PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: PCT LEGAL OFFICE

Sir:

**SUBMISSION OF SUPPLEMENTAL DECLARATION AND RESPONSE TO
DECISION ON PAPERS UNDER 37 CFR 1.42**

This responds to the Decision on Papers Under 37 CFR 1.42 dated October 2, 2002. The Decision did not indicate a date for response hence this submission is believed to be timely. Attached is revised executed declaration.

The inventors' declaration and power of attorney previously submitted was regarded as insufficient. The attached declaration is revised to clearly indicate that Saamara N. Turney is acting as the executrix of the estate of the late John Stevenson, one of the inventors. The attached Declaration includes the citizenship, residence and post

office address information for Saamara N. Turney and also includes the citizenship, residence and mailing address of the late John Stevenson. Additionally, the specific place of residence of joint inventor Douglas F. Foster has been clarified.

Accordingly, the attached declaration, executed by all inventors and, on behalf of deceased inventor John Stevenson, by the executrix of his estate, is in compliance with 37 CFR 1.497(b)(2) and 37 CFR 1.42.

Counsel again requests that this application be processed under the provisions of 37 CFR 1.42. The Decision did not indicate a date for response hence this submission is believed to be timely.

ADDITIONAL ISSUES

After preparing this Request but before filing it I received a Notification of Defective Response Abandonment mailed September 29, 2003 indicating this application is regarded as being abandoned for failing to file an oath or declaration of the inventors. Neither the Notification nor the Decision indicate a date certain for response; however, it is submitted a declaration from the inventors was timely submitted on June 3, 2002 but was later found to be defective in part primarily as to uncertainty of the authority of the legal representative of a deceased inventor.

Applicants DO wish to proceed with this application, so if it is determined abandonment occurred, please consider and grant the following petition:

PETITION UNDER RULE 1.137(b) TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

The subject application was unintentionally abandoned. The above identified National Phase of PCT/GB00/03249 was unintentionally abandoned by virtue of the failure to timely file an acceptable declaration. Applicants enclose herewith, the signed declaration; the filing fee was previously paid.

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The undersigned authorizes any costs relating to this petition, including the petition fee in the amount of \$1330.00 as required by 37 C.F.R. §1.137(b), be charged to our deposit account 14-1140.

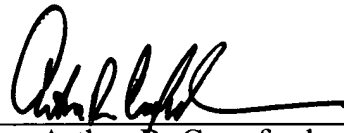
The delay in prosecuting this case (i.e. filing the declaration) was unintentional.

Having met all of the requirements set forth in 37 C.F.R. §1.137(b)(1-3), it is respectfully requested that the above identified National Phase application be revived, that a filing receipt be forwarded and the application sent for further prosecution in the U.S. Patent and Trademark Office.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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AIRC
124-933

Pat to Revive due: 10/15/03



UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/088,026		124-933

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INTERNATIONAL APPLICATION NO.	
PCT/GB00/03249	
I.A. FILING DATE	PRIORITY DATE
08/22/2000	09/15/1999

CONFIRMATION NO. 4943
371 FORMALITIES LETTER



Date Mailed: 09/29/2003

NOTIFICATION OF DEFECTIVE RESPONSE ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 05/22/2002 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

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PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/088,026	PCT/GB00/03249	124-933